

Public Chapter 106

HOUSE BILL NO. 542

By Representatives Eckles, Davidson

Substituted for: Senate Bill No. 829

By Senators Cooper, McNally

AN ACT to amend Tennessee Code Annotated, Section 44-17-303 and Title 63, Chapter 12, relative to the humane destruction of animals and to the qualifications of certified animal control agencies and certified animal euthanasia technicians.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 12, is amended by adding the following new appropriately designated section:

(a) The Board of Veterinary Medical Examiners, upon submission of a complete application and payment of a fee established by the board, shall issue to any animal control agency which it determines to be qualified, a certificate authorizing the agency to apply to the Federal Drug Enforcement Agency, including any successor entity, for a restricted controlled substance registration certificate for the purchase, possession and use of sodium pentobarbital or other drugs as authorized by the board for administration by a certified animal euthanasia technician to euthanize injured, sick or abandoned animals. It is a Class B misdemeanor for any person or entity to use or imply that such person or entity has been granted a certificate as a certified animal control agency unless a certificate has been granted under the provisions of this title.

(b) The Board of Veterinary Medical Examiners, upon submission of a complete application and payment of a fee established by the board, shall issue to any person who it determines to be qualified, a certificate for such person to function as a certified animal euthanasia technician. It shall be a Class B misdemeanor for any person or entity to use or imply that such person or entity has been granted a certificate as a certified animal euthanasia technician unless a certificate has been granted under the provisions of this title.

(c) Euthanasia of animals. Euthanasia of animals in a certified animal control agency may only be performed by a licensed veterinarian, including a licensed animal technician employed by and functioning under the direct supervision of a licensed veterinarian, or a certified animal euthanasia technician as provided by law. A certified animal control agency which employs a certified animal euthanasia technician may purchase, possess and administer sodium pentobarbital or such other drug which the board may approve for the euthanasia of animals. Sodium pentobarbital and such other drugs approved by the board shall be the only drugs used for the euthanasia of animals in a certified animal control agency.

(d) Renewal of Certification. Certified animal control agencies and certified animal euthanasia technicians shall be required to renew their certificates at such intervals, upon such conditions and upon the payment of such fees as may be established by the board.

SECTION 2. Tennessee Code Annotated, Section 63-12-103, is amended by adding the following new appropriately designated subsections and by redesignating, if necessary, the existing subsections:

( ) "Certified animal control agency" means a county or municipal animal shelter, dog pound, or animal control agency, private humane society, state, county or municipal law enforcement agency, or any combination thereof which temporarily houses stray, unwanted or injured animals and which is certified pursuant to the provisions of this chapter.

( ) "Certified animal euthanasia technician" means a person employed by a certified animal control agency who is authorized by the board to humanely euthanize animals by administering such drugs as are designated by the board for such use.

SECTION 3. Tennessee Code Annotated, Section 63-12-106, is amended by adding the following new appropriately designated subsection and redesignating the existing subsection(s) as appropriate:

( ) issue such certificates as are authorized under this chapter;

SECTION 4. Tennessee Code Annotated, Section 63-12-106(10), is amended by inserting the words "or certificate or permit holder or applicant for a certificate or a permit" after the word "license" and before the punctuation ";;".

SECTION 5. Tennessee Code Annotated, Section 63-12-128, subdivisions (6) and (7) are amended by inserting the punctuation and word ", certificate," after the word "license" and before the word "or".

SECTION 6. Tennessee Code Annotated, Section 63-12-128(4), is amended by adding the words and punctuation "certificate holder or certificate applicant," after the words and punctuation "license applicant," and before the words "premises permit holder".

SECTION 7. Tennessee Code Annotated, Section 63-12-128(2), is amended by inserting the word "certificate or" after the words "hold a" and before the word "premises".

SECTION 8. Tennessee Code Annotated, Section 44-17-303(4), is amended by deleting the second full sentence in its entirety.

SECTION 9. Tennessee Code Annotated, Section 44-17-303, is amended by adding the following sentence at the end of subsection (5):

Animal shelters, dog pounds, animal control agencies or humane associations as defined in Section 44-17-303 may also use other drugs as authorized for use in certified animal control agencies by the board of veterinary medical examiners pursuant to Tennessee Code Annotated, Title 63, Chapter 12, or as otherwise provided by law.

Tennessee Code Annotated, Section 44-17-303, by adding the following new subsection:

(6) Sodium Pentobarbital or such other drugs as authorized by the board of veterinary medical examiners shall be the only drugs used by certified animal control agencies for the euthanasia of animals as provided by Tennessee Code Annotated, Title 63, Chapter 12.

SECTION 10. Tennessee Code Annotated, Section 63-12-109, is amended by inserting the words "including, but not limited to the administrative and personnel expenses deemed necessary in the discretion of the board to conduct inspections and issue licenses, permits and certificates as provided by this chapter," after the word "expenses" and before the word "directed".

SECTION 11. This act shall take effect upon becoming a law for the purpose of promulgating regulations; for all other purposes, this Act shall take effect January 1, 1998, the public welfare requiring it.